

REMARKS

Claims 17 to 32 are pending in this application of which claims 17 and 28 are the independent claims. Favorable reconsideration and further examination are respectfully requested.

Turning to the prior art rejections, claims 17, 21 to 23 and 26 to 32 were rejected under 35 U.S.C. § 103 over Keshav et al. (U.S. Patent No. 5,623,605).

Claim 17 is directed to a method of operating a communication network. The method includes employing data frames defined by a first protocol. A data frame contains a destination address that identifies a data frame receiver to receive the data frame and message data. The method also includes generating data packets for transmission from the data frame. A data packet includes a portion of the data frame. The data frame is defined by a second protocol. The data packet contains a connection identifier that identifies a data packet receiver to receive the data packet. The method further includes transmitting the data packets over the communication network and; upon receipt in a receiver of a transmitted data packet that contains a destination address of a subject data frame, reading the destination address of the subject data frame from the data packet. The method further includes determining a new connection identifier based on the destination address read that identifies a new data packet receiver. The method includes generating, prior to receipt of all of the data packets of the subject data frame, new data packets from the data packets received from the subject data frame that contain the new connection identifier. The method includes checking message data of the subject data frame for transmission errors according to a predetermined error checking technique. The predetermined error checking technique includes comparing a reference data that has a rated value contained in

the subject data frame to the message data. The method further includes transmitting the new data packets of the subject data frame that are error-free to the new data packet receiver.

The applied art is not understood to disclose or to suggest the foregoing features of claim 17. In particular, Keshav is understood not to disclose or to suggest generating, prior to receipt of all of said data packets of said data frame, new data packets from said data packets received from said data frame.

In particular, Keshav discloses sending an ATM frame encapsulated in an IP data packet having an IP header. He defines an IP packet as "consisting of a 20 byte IP packet header and a variable length data portion or payload" where the payload "contains the intermediate packet header and the ATM formatted frame" (column 12, lines 45 to 49). However, Keshav does not describe multiple data packets of a data frame. To the contrary, he describes a single ATM data frame within a single IP data packet. Therefore, it would be impossible under Keshav to generate new packets from the data packets received before the data frame is received because Keshav describes that an ATM frame is received simultaneously with the IP data packet for which it is encapsulated within. Applicant requests withdrawal of the art rejection.

The noted distinction is not trivial, but represents an inventive step, as will be appreciated by those in the telecommunications industry. As disclosed by the Applicant in the specification, by generating new packets before all data packets are received of the data frame allows for the transmission of new packets to already be begun shortly after the reception of the last data packet of the data frame (page 3 lines 8 to 12 of Applicant's specification). Thus, higher data rates can be achieved with fewer data packets being rejected from errors thereby being particularly

Applicant : Gernot Von Der Straten
Serial No. : 09/463,527
Filed : January 25, 2000
Page : 10 of 10

Attorney's Docket No.: 12758-
056US1 / 1997P01986WOUS

advantageous when data rates are in the range of 50 megabits per second and above (page 3, lines 21 to 26 of Applicant's specification). For at least the reasons above, claim 17 is believed to be allowable.

Claim 28 roughly corresponds to claim 17 and, therefore, is believed to be allowable for at least the same reasons noted above with respect to claim 17.

In view of the foregoing remarks, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

All correspondence should be directed to the address below. Applicant's attorney can be reached by telephone at the number shown below.

No fee is believed to be due for this Reply; however, if any fees are due, please apply such fees to Deposit Account No. 06-1050 referencing Attorney Docket 12758-056US1.

Respectfully submitted,

Date:

December 5, 2003



Paul A. Pysner
Reg. No. 40,780

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906